

Application No. 10/620,749
Amendment Dated 02 September 2004
Reply to Office Action of 2 June 2004

Attorney Docket No. 5701-01293

Remarks

Applicant respectfully requests consideration of the instant application in view of the above amendments and the following remarks.

Restriction / Election

Applicant hereby confirms election of claims 7-28 and 32-37 responsive to the telephone restriction requirement on 19 May 2004. Claims 1-6 and 29-31 have been cancelled.

Information Disclosure Statement

The Examiner has recommended the presentation of a concise statement as to the relevance of documents in the Information Disclosure Statement(s) that are known to be material to patentability. All of the references submitted heretofore have been in the English language, and accordingly, under 37 CFR 1.98(3)(i), a concise explanation thereof is not required. Under MPEP § 2004, item 7 (page 2000-9 of Rev. 2, May 2004 edition), Applicant respectfully declines to characterize the prior art. The Invention Disclosure Statement dated 29 March 2004 contains a copy of the Ph.D. Dissertation by one of the inventors, which discloses subject matter of the instant application, and which was published less than one year before the filing of the instant application and after the filing of U.S. Provisional Application Serial No. 60/396,211 upon which the instant application claims benefit. The remaining other prior art documents cited by Applicant are references from a technical paper which has been reviewed but not yet published, and which contains subject matter of the instant application. As best understood, and with best recollection, Applicant is presently not aware of any particular relevance of any of the references submitted with the Information Disclosure Statements other than that indicated hereinabove.

Applicant respectfully requests the Examiner's acknowledgement of the references listed in the Information Disclosure Statements previously submitted on 29 March 2004, a copy of which is provided in the Appendix of this response.

Specification

The Examiner has stated that the specification is missing the following sections: (e) Background of the Invention, (f) Brief Summary of the Invention, and (g) Brief Description of the Several Views of the Drawing(s).

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Applicant respectfully submits that section (g) has been provided beginning on page 1, line 6 through page 2, line 2 under the heading "BRIEF DESCRIPTION OF THE DRAWINGS".

Applicant respectfully submits that neither a background of the invention nor a summary of the invention are required, and that the outline of sections suggested by the Examiner is a guideline illustrating a preferred layout, but which is not mandatory. Applicant respectfully submits that the specification does satisfy the mandatory and controlling requirements of 35 U.S.C. § 112. Applicant respectfully requests reconsideration and withdrawal of this objection.

Claim Status

Claims 1-37 are pending in the application.

Claims 1-6 and 29-31 have been withdrawn from consideration.

Claims 7-28 have been allowed.

Claims 32-37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,279,944 B1 to Russell et al.

Claim Amendments

The claims have been amended, as follows, as supported by the specification on page 3, line 21 through page 4, line 3; and page 10, line 17 through page 18, line 22; and in Figs. 3-5 of the drawings:

Claim 32 has been amended at line 10 to insert --and to determine in which of a plurality of lanes the target vehicle is likely traveling-- after "roadway".

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 32-37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,279,944 B1 to Russell et al.

Claim 32 has been amended to add the limitation that the processor is adapted "to determine in which of a plurality of lanes the target vehicle is likely traveling." Applicant respectfully submits that, as best understood, Russell et al. does not disclose or suggest the determination of which of a plurality of lanes that the target vehicle is likely traveling, but instead provides for classifying each object as either in or out of the highway lane of the host

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vehicle. Because Russell et al. does not disclose or suggest all of the limitations of claim 32, Applicant respectfully submits that claim 32 is now allowable over Russell et al. Applicant respectfully requests reconsideration and allowance of amended claim 32 in view of the above argument.


Claims 33/32, 34/1, 35/32, 36/35/32 and 37/36/35/32 each depend upon claim 32. Accordingly, Applicant respectfully submits that if the above argument regarding the novelty of claim 32 in view of Russell et al. is accepted, then claims 32-37 are also distinguished from Russell et al. because the addition of further limitations to an already novel claim does not negate novelty. Applicant respectfully requests reconsideration and allowance of claims 32-37 in view of the above argument in respect of claim 32 in view of Russell et al.

Summary and Conclusions

Objections to the specification have been traversed. Applicant respectfully requests consideration and acknowledgement of a previously submitted Information Disclosure Statement. Non-elected claims 1-6 and 29-31 have been cancelled. Claim 32 has been amended to distinguish over the prior art. Applicant respectfully submits that no new matter has been added by this amendment. Applicant respectfully submits that the instant application is now in the proper form for Notice of Allowance, and respectfully requests a timely issuance thereof in this application.

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Respectfully Submitted,



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